

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

EAST PORTLAND IMAGING CENTER,)
P.C., an Oregon professional corporation)
doing business as EPIC IMAGING-EAST;)
BODY IMAGING, P.C., an Oregon)
professional corporation doing business as)
BODY IMAGING RADIOLOGY, and)
WOMEN'S IMAGING, P.C., an Oregon)
professional corporation doing business as)
PACIFIC BREAST CENTER,)

Plaintiffs,)

vs.)

PROVIDENCE HEALTH SYSTEM-)
OREGON; an Oregon nonprofit)
corporation; PROVIDENCE HEALTH)
PLAN, an Oregon nonprofit corporation;)
and PROVIDENCE PLAN PARTNERS,)
a Washington nonprofit corporation,)

Defendants.)

Case No. 05-465-KI

OPINION AND ORDER

KING, Judge:

Before the court is Plaintiffs' Motion for Reconsideration (#235).

Plaintiffs seek reconsideration of my conclusion that they did not demonstrate a factual issue on whether there is a dangerous probability of achieving monopoly power. Specifically, plaintiffs contest my analysis of excess capacity and barriers to entry and expansion. Plaintiffs contend: (1) the quantum of proof required to meet the barrier issue is very low; (2) the Opinion did not examine plaintiffs' evidence of a market structure that cannot self-correct and is thus an obvious barrier to expansion; and (3) the Opinion misinterprets Rebel Oil Company, Inc. v. Atlantic Richfield Co., 51 F.3d 1421 (9th Cir.), cert. denied, 516 U.S. 987 (1995) and its discussion of barriers to expansion by current competitors and to entry by new competitors.

After reviewing plaintiffs' arguments, I decline to change my decision. There is no need for a response by defendants.

Plaintiffs' Motion for Reconsideration (#235) is denied. Defendants' Motion for Extension of Time to File a Response/Reply to the Motion for Reconsideration (#236) is moot.

IT IS SO ORDERED.

Dated this 7th day of April, 2006.

/s/ Garr M. King
Garr M. King
United States District Judge